

REMARKS

Claims 1-20 remain pending in this application.

In a May 4, 2005 Office Action, the Examiner rejected claims 1-12 and 15-20 under 35 U.S.C. § 102(e) as being anticipated by United States Published Patent Application Publication Number 2002/0016655 A1 ("Joao"). The Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable and obvious over Joao taken alone. Finally, the Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable and obvious over Joao in view of United States Patent 5,875,430 ("Koether"). The applicants respectfully traverse the rejections.

In the May 4, 2005 Office Action, the Examiner rejected claims 1-12 and 15-20 under 35 U.S.C. § 102(e) as being anticipated by United States Published Patent Application 2002/0016655 A1 ("Joao"). The applicants respectfully traverse the rejection. In particular, amended claim 1 relates to "an interactive communication system enabling a lay person to record and communicate operating conditions and symptoms of equipment when an abnormal mode of operation is experienced to skilled service personnel, to enable said service personnel to thereafter perform service on said equipment in accordance with said operating symptoms to diagnosis and correct said abnormal mode" and recites a combination of elements including, for example, "actuation of said first control means by said lay person causing said plurality of outputs of said sensor array to be stored in said memory means recording operating conditions associated with said equipment at a time when said lay person actuates said first control means in response to said lay person experiencing an abnormal mode of operation of said equipment," which is not shown, disclosed, or even suggested by Joao. In other words, the present invention provides the ability for a layperson, such as the driver of a car, to notice a particular problem with the equipment, such as vibration during a right turn. When the vibration or other abnormal condition is noticed, the driver actuates the system that then takes a snap shot of the car operating conditions based on the plurality of sensors. The information could include features, such as, for example, speed, turn radius, tire pressure, engine rpms, engine temperature, hydraulic pressure, or the like. Joao provides no such mechanism for taking a snap shot of operating conditions when an equipment abnormality or problem is identified. In fact, Joao is completely silent regarding operating conditions during abnormal operation and a mechanism to record the symptoms associated with the abnormal operation condition. Thus, for at least this reason, amended claim 1 is patentably distinct from Joao.

While it could be used in conjunction with diagnostic tools, the present invention does not provide any diagnostic processing. Conversely, Joao provides a diagnostic tool. In particular, the present invention provides for recording operating conditions when a symptom of a problem is noted. The operating conditions are stored in a memory and associated with the abnormal symptom of operation noted by the lay person. A service provider can access the memory to download the symptoms as well as the operating conditions of the equipment when the symptom was noted, discovered, etc. Joao does not record a snapshot of operating conditions as the present invention does, but rather provides information regarding the vehicle maintenance information, vehicle manufacturer information, and vehicle problems. Notably, Joao is silent about recording, sensing, and/or storing information about the vehicle operating conditions when the vehicle problems are noticed. In fact, and at most, Joao only discusses recording the “symptoms of a problem” at step 204 of Figure 12A. At this step, the user (or lay person) is instructed to describe the problem. There is no suggestion of providing information relating to actual operating conditions as stored by a memory when the problem was noted. Thus, for at least this additional reason, amended claim 1 is patentably distinct from Joao.

The Examiner relies on steps 205 and 206 of a flowchart for the disclosure of a sensory array to record equipment operating conditions as well as for an actuator to record a snapshot of operating conditions when a user experiences an abnormality. However, the applicants respectfully submit the Examiner is reading much more into the reference than the reference actually discloses. In particular, step 205 of Joao specifically relates to receiving the information transmitted from step 204. Step 204 is completely silent regarding capturing the actual operating conditions of the equipment during abnormal operating but rather relates to a lay person inputting the symptoms when at the service station, typically long after the abnormal operating condition is experienced. Moreover, while Joao discloses numerous databases, a through reading of Joao by the applicants has failed to reveal any mention of a sensor array “providing a plurality of outputs indicative of a plurality of operating conditions.”

For all the foregoing reasons, amended claim 1 is patentably distinct from Joao. Withdrawal of the pending rejection and allowance of claim 1 is respectfully requested.

Amended claims 5, 9, 11, and 15 contain recitations similar to amended claim 1 and, at least by virtue of the similarity, are patentably distinct from Joao. Claims 2-5, 6-8, 10, 12 and 15-20 depend from claims 1, 5, 9, 11, and 15 either directly or indirectly and, at least by virtue of

the dependency, are patentably distinct from Joao.

The Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Joao taken alone. Claim 13 depends from claim 11 and, at least by virtue of the dependency, is patentably distinct from Joao.

The Examiner rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Joao in view of United States Patent 5,875,430 (“Koether”). In particular, the Examiner relied on Koether for the disclosure regarding how to capture an authorization signature. While the applicants respectfully submit that Koether is not properly combinable with Joao, it is respectfully submitted that Koether does not cure the defects of Joao noted above. Thus, claim 14 is patentably distinct from Joao and Koether either alone or in any reasonable combination thereof.

Based on the foregoing, the applicants respectfully request the withdrawal of the pending rejection and allowance of claims 1-20 as amended.

No fee is believed due for entry of this paper. If an extension of time under 35 C.F.R. § 1.136 is required to obtain entry of this Amendment, such an extension is requested. If there are fees due under 37 U.S.C. §§ 1.16 or 1.17 which are not otherwise accounted for, please charge our Deposit Account No. 08-2623.

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